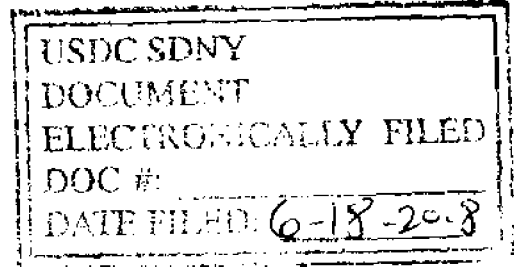


KEENAN

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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
IN RE: :
Fosamax Products Liability Litigation :
-----X
This Document Relates to: :
Minerva Umpierre and Jorge F. Umpierre :
v. Merck & Co., Inc. :
: :
Case No. 1:08-cv 01941-JFK :
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1:06-md-1789 (JFK)

STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

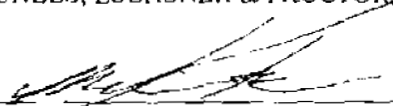
IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs
Minerva Umpierre and Jorge F. Umpierre and Defendant Merck & Co., Inc., ("Merck")
through their respective undersigned counsel, as follows:

1. This case, having been resolved upon the agreement of Plaintiffs to
voluntarily dismiss without prejudice their claims against Defendant and the agreement
of Defendant not to seek from Plaintiffs its fees and costs, is hereby dismissed without
prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

2. Plaintiffs further agree to re-file any suit based on any similar claims
related to Fosamax against Merck, any of Merck's subsidiaries, agents, distributors,
employees, sales representatives, or against any pharmacy in this Court, without joining
any party whose joinder would defeat diversity pursuant to 28 U.S.C. § 1332.


3. Each party is to bear its own costs and attorneys' fees.

LEVIN, PAPANTONIO, THOMAS,
MITCHELL, ESCHSNER & PROCTOR,
P.A.

By 
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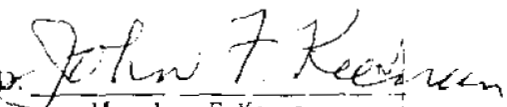
Attorneys for Plaintiff.

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Attorneys for Defendant Merck & Co., Inc.

SO ORDERED.


Hon. John F. Keenan

6/18/08